

12/27/2022

Sara Calkins
CLERKMontana Water Court
STATE OF MONTANA

By: D'Ann CIGLER

41M-0232-P-2017

McElyea, Russ

45.00

Montana Water Court
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Bozeman, MT 59771-1389
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(406) 586-4364
watercourt@mt.gov

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
TWO MEDICINE RIVER – BASIN 41M

* * * * *

CLAIMANT: Pondera County Canal & Reservoir Co.

OBJECTORS: Pondera County Canal & Reservoir Co.; United
States of America (Bureau of Reclamation)

NOTICE OF INTENT TO APPEAR: United States of America
(Bureau of Reclamation)

CASE 41M-0232-P-2017

41P 162052-00
41P 162053-00
41P 162054-00
41P 162055-00
41P 162059-00
41P 162060-00
41P 162067-00
41P 162068-00
41P 162102-00
41P 162103-00
41P 162104-00
41P 162105-00

**ORDER APPROVING MOTION TO MODIFY CLAIMS AND
ORDER CLOSING CASE**

I. INTRODUCTION

The above-captioned water right claims are owned by Pondera County Canal & Reservoir Co. (“PCCRC”). The claims appeared in the Basin 41P Preliminary Decree with issue remarks. The claims also received objections and notices of intent to appear (NOIAs) during the Basin 41P Preliminary Decree.¹ The Water Court is required to resolve all objections and issue remarks.

¹ The water right claims in this case were adjudicated in a Basin 41M case despite only being decreed in Basin 41P.

PCCRC objected to its own claims. The United States of America (Bureau of Reclamation) (“BOR”) objected to all claims except 41P 162102-00, 41P 162103-00, 41P 162104-00, and 41P 162105-00. BOR filed NOIAs on those four claims. The Blackfeet Tribe had filed NOIAs on the claims in this case, but unconditionally withdrew the NOIAs on June 17, 2019. The withdrawal was granted on July 26, 2019.

On October 19, 2022, PCCRC submitted a *Status Report and Unopposed Motion to Modify Claims*. PCCRC requests amendments to claims 41P 162052-00, 41P 162053-00, 41P 162054-00, and 41P 162055-00. PCCRC reports that the requested amendments will resolve BOR’s objections.

On November 9, 2022, PCCRC submitted a *Notice of Withdrawal of Water Right Claims*. PCCRC requests claims 41P 162059-00, 41P 162060-00, 41P 162067-00, 41P 162068-00, 41P 162102-00, 41P 162103-00, 41P 162104-00, and 41P 162105-00 be withdrawn. A Request to Withdraw Statement of Claim or Interest in Statement of Claim for each withdrawn claim is attached to the notice.

II. ANALYSIS

Motion to Modify Claims 41P 162052-00, 41P 162053-00, 41P 162054-00, and 41P 162055-00

The *Motion to Modify* requests changes to the purpose, maximum acres, and place of use for claims 41P 162052-00, 41P 162053-00, 41P 162054-00, and 41P 162055-00. The purpose is changed to “sale” and accompanied by a remark that states, “The purpose of this water right includes sale and distribution to shareholders of the Pondera County Canal and Reservoir Company for irrigation, stock, domestic, and municipal uses.”

The motion requests the addition of an information remark to clarify canal capacity for the P Canal and explain that the combined flow rate for all claims using the P Canal shall not exceed the canal’s historically documented capacity of 150 CFS. The information remark resolves the issue remark stating the capacity is 160 CFS. The flow rate and canal capacity issue remarks are resolved and removed.

The acreage irrigated was reduced and PCCRC requests the place of use be identified as a service area. A map showing the amended place of use and service area

was included with the motion. The map is attached to this order and a copy of this order will be placed in each claim file. The issue remarks regarding acres irrigated are resolved and removed.

The *Motion to Modify* requests the addition of an information remark to identify water sources used as natural carriers for water distribution.²

The motion reduces the flow rate of 41P 162055-00 from 500.00 CFS to 97.50 CFS. The reduction resolves the issue remark stating the flow rate exceeds the capacity of the conveyance system.

Additional remarks are requested to clarify that water use is restricted on certain lands within the service area. In particular, the remarks clarify that, within certain sections, water may only be used south of the Dry Fork of the Marias River.

Finally, the motion requests the addition of several administrative remarks.

Many of the changes requested are reductions which resolve the issue remarks. With the exception of supplemental rights remark modifications, the claims should be amended as requested to accurately reflect historical use. The Court declines to modify the supplemental rights remark as requested. The remark as it appeared in the *Motion to Modify* conflicts with the Court's decisions and final abstracts for cases 41M-0205-P-2017 and 41M-0224-P-2017.

In those cases, PCCRC, the BOR, the Blackfeet Tribe, and the United States of America (Bureau of Indian Affairs) reached settlement agreements to resolve objections, counterobjections, notices of intent to appear, and issue remarks. The various settlement agreements in case 41M-0224-P-2017 contained inconsistencies in the claims to be listed in the supplemental rights remark. The Court acknowledged the inconsistencies and selected the following version of the remark:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS.

² Each proposed abstract attached to the stipulation requests the addition of a natural carriers remark to further clarify the point of diversion. On each proposed abstract, eleven water courses are identified as natural carriers to deliver water. The centralized water right record database limited the Court's ability to format the remark to match exactly with the proposed abstracts. The Court did its best to match the layout of the proposed remark.

EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

<u>113459-00</u>	<u>120071-00</u>	<u>120072-00</u>	161998-00	161999-00	162000-00
162001-00	162005-00	162007-00	162008-00	162009-00	162010-00
162012-00	162031-00	162032-00	162033-00	162034-00	162035-00
162036-00	162037-00	162038-00	<u>162039-00</u>	162052-00	162053-00
162054-00	162055-00	162057-00	162058-00	<u>185666-00</u>	

The version of the remark requested in the *Motion to Modify* excludes the underlined claims in the above remark. However, the underlined claims span multiple cases that have already been closed. In order to use the version of the remark requested in the *Motion to Modify*, the Court would be required to reopen closed cases for the purpose of modifying the supplemental rights remark to remove the underlined claims. Without a motion from all parties in those closed cases or other supplemental information to justify reopening proceedings, the Court declines to adopt the version of the supplemental rights remark requested in the *Motion to Modify*.

Withdrawal of Remaining Claims

The withdrawal of claims 41P 162059-00, 41P 162060-00, 41P 162067-00, 41P 162068-00, 41P 162102-00, 41P 162103-00, 41P 162104-00, and 41P 162105-00, as requested in the November 9 notice, moot the issue remarks, objections, and notices of intent to appear. The claims should be dismissed as requested.

Issue Remark Resolution

Claims 41P 162052-00, 41P 162053-00, 41P 162054-00, and 41P 162055-00 had an issue remark suggesting each claim was redundant with another claim in this case. Based on the withdrawal of all claims in this case except 41P 162052-00, 41P 162053-00, 41P 162054-00, and 41P 162055-00, the redundancy issue remark is resolved. The

remark should be removed from 41P 162052-00, 41P 162053-00, 41P 162054-00, and 41P 162055-00.

Claims 41P 162052-00, 41P 162053-00, 41P 162054-00, and 41P 162055-00 also have the following issue remark:

THE COMBINED CLAIMED FLOW RATE FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS 71.00 GPM PER ACRE. THE FLOW RATE GUIDELINE FOR INDIVIDUAL CLAIMS IS 17 GPM PER ACRE.

These four claims are limited by a quantified flow rate. Additionally, PCCRC has attested to the historical capacity of the P Canal and requested the addition of an information remark memorializing a limitation on the combined flow rate of all claims utilizing the P Canal (discussed *supra*). The issue remark itself and the flow rate guideline mentioned in the issue remark do not overcome the prima facie status of the flow rate for each of these claims. The information supplied by PCCRC supports the historical accuracy of the flow rate. The issue remark is resolved and should be removed from all four claims.

Claim 41P 162054-00 has the following issue remark:

THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THE CLAIMS FOLLOWING THIS STATEMENT USE THE SAME FILED APPROPRIATION TO DOCUMENT THE RIGHT. THE COMBINED FLOW RATE FOR THIS GROUP OF CLAIMS EXCEEDS THE TOTAL OF THE ORIGINAL APPROPRIATION. 41P 124535-00, 41P 162054-00.

Claim 41P 124535-00 was dismissed during case proceedings in 41P-239, which was closed on March 13, 2020. The issue remark is resolved and should be removed.

Claim 41P 162055-00 has the following issue remark:

DNRC EXAMINATION WAS UNABLE TO CONFIRM THE USE OF THIS WATER RIGHT. THE PONDERA COUNTY WATER RESOURCE SURVEY (1964) INDICATES THE CAPACITY OF THE P CANAL TO BE 160.00 CFS. WATER RIGHT NOS. 41P 162052-00 THROUGH 41P 162054-00 APPEARS TO FILL THE CANAL CAPACITY TO 52.50 CFS LEAVING 107.50 CFS TO BE USED BY WATER RIGHT NO. 41P 162055-00 BEFORE EXCEEDING THE CANAL CAPACITY. ALL

SUBSEQUENT WATER RIGHTS APPEAR TO EXCEED THE CAPACITY OF THE CANAL. THIS WATER RIGHT MAY NOT HAVE BEEN PERFECTED.

Pursuant to the motion, PCCRC reduced the flow rate of 41P 162055-00. The flow rate reduction, coupled with the information remark regarding the P Canal capacity limitation, resolve the remark and it can be removed.

III. CONCLUSION AND ORDER

The *Motion to Modify* is granted. The issue remarks are resolved and removed. The requested changes have been made to all claims. The objections and NOIAs are resolved. Claims 41P 162052-00, 41P 162053-00, 41P 162054-00, and 41P 162055-00 will appear in the Basin 41P Final Decree as shown on the post decree abstracts attached to this order.

The withdrawals should be granted. Claims 41P 162059-00, 41P 162060-00, 41P 162067-00, 41P 162068-00, 41P 162102-00, 41P 162103-00, 41P 162104-00, and 41P 162105-00 are dismissed and will not appear in the Basin 41P Final Decree.

This case is CLOSED.

ELECTRONICALLY SIGNED AND DATED BELOW.

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Note: Service List Updated 11/3/2022

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MARIAS RIVER
BASIN 41P**

Water Right Number: 41P 162052-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: PONDERA COUNTY CANAL & RESERVOIR CO
PO BOX 245
VALIER, MT 59486

Priority Date: OCTOBER 6, 1888

Type of Historical Right: FILED

Purpose (use): SALE

THE PURPOSE OF THIS WATER RIGHT INCLUDES SALE AND DISTRIBUTION TO SHAREHOLDERS OF THE PONDERA COUNTY CANAL AND RESERVOIR COMPANY FOR IRRIGATION, STOCK, DOMESTIC, AND MUNICIPAL USES.

Flow Rate: 25.00 CFS

THE COMBINED DIVERSION RATE FROM ALL SOURCES OF SUPPLY FOR THE P CANAL SHALL NOT EXCEED THE 150 CFS CAPACITY OF THE P CANAL.

THE FOLLOWING RIGHTS USE THE P CANAL.

41M 161998-00, 41M 161999-00, 41M 162000-00, 41M 162001-00,
41M 162005-00, 41M 162007-00, 41M 162008-00, 41M 162009-00,
41M 162010-00, 41M 162012-00, 41M 162031-00, 41M 162032-00,
41M 162033-00, 41M 162034-00, 41M 162035-00, 41M 162036-00,
41M 162037-00, 41M 162038-00, 41M 162039-00, 41P 162052-00,
41P 162053-00, 41P 162054-00, 41P 162055-00, 41P 162057-00,
41P 162058-00

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Maximum Acres: 16,311.00

Source Name: DRY FORK MARIAS RIVER

Source Type: SURFACE WATER

THE FOLLOWING WATER COURSES ARE USED AS NATURAL CARRIERS FOR WATER RELEASED AND DELIVERED UNDER THIS WATER RIGHT BY THE PONDERA COUNTY CANAL & RESERVOIR COMPANY. SEE MAP FOR MORE INFORMATION. ALL WATER COURSES ARE IN PONDERA COUNTY.

ID COURSE BEGINNING POINT - END POINT (LOT/QQ STR)

- 1 FAVOT COULEE
SESE 5 28N 1W - SWSE 15 28N 1W
- 2 VERMULM COULEE
NWNE 19 28N 1W - SENE 18 28N 1W
- 3 PONDERA COULEE
NENE 28 28N 3W - SESE 25 28N 1W
- 4 UT OF DRY FORK MARIAS RIVER
SENE 5 28N 2W - LOT 2 5 28N 2W
- 5 UT OF DRY FORK MARIAS RIVER
LOT 1 5 28N 2W - LOT 2 5 28N 2W
- 6 SCHOOL SECTION COULEE
SWSE 25 28N 3W - NWNW 16 28N 2W
- 7 OLIVER COULEE
NWSE 20 28N 2W - SWSE 17 28N 2W
- 8 FLAT (NASON) COULEE
LOT 3 1 28N 2W - SESE 36 29N 2W
- 9 UT OF SCHOOL SECTION COULEE
LOT 3 9 28N 2W - SENE 19 28N 2W
- 10 SPRING CREEK
LOT 6 6 28N 3W - SWSW 5 28N 3W
- 11 DRY FORK MARIAS RIVER
NENW 26 29N 4W - SWSW 13 29N 2W

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	26	29N	4W	PONDERA

Period of Diversion: APRIL 1 TO OCTOBER 14

Diversion Means: HEADGATE

Ditch Name: P CANAL

Period of Use: APRIL 1 TO OCTOBER 14

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				3	28N	1W	PONDERA
2				4	28N	1W	PONDERA
3				5	28N	1W	PONDERA
4				6	28N	1W	PONDERA
5				7	28N	1W	PONDERA
6				8	28N	1W	PONDERA
7				9	28N	1W	PONDERA
8				10	28N	1W	PONDERA

9	15	28N	1W	PONDERA
10	16	28N	1W	PONDERA
11	17	28N	1W	PONDERA
12	18	28N	1W	PONDERA
13	19	28N	1W	PONDERA
14	20	28N	1W	PONDERA
15	21	28N	1W	PONDERA
16	22	28N	1W	PONDERA
17	23	28N	1W	PONDERA
18	24	28N	1W	PONDERA
19	25	28N	1W	PONDERA
20	1	28N	2W	PONDERA
21	2	28N	2W	PONDERA
22	3	28N	2W	PONDERA
23	4	28N	2W	PONDERA
24	5	28N	2W	PONDERA
25	6	28N	2W	PONDERA
26	7	28N	2W	PONDERA
27	8	28N	2W	PONDERA
28	9	28N	2W	PONDERA
29	10	28N	2W	PONDERA
30	11	28N	2W	PONDERA
31	12	28N	2W	PONDERA
32	13	28N	2W	PONDERA
33	14	28N	2W	PONDERA
34	15	28N	2W	PONDERA
35	16	28N	2W	PONDERA
36	17	28N	2W	PONDERA
37	18	28N	2W	PONDERA
38	19	28N	2W	PONDERA
39	20	28N	2W	PONDERA
40	21	28N	2W	PONDERA
41	22	28N	2W	PONDERA
42	23	28N	2W	PONDERA
43	24	28N	2W	PONDERA
44	29	28N	2W	PONDERA
45	30	28N	2W	PONDERA
46	1	28N	3W	PONDERA
47	2	28N	3W	PONDERA
48	3	28N	3W	PONDERA
49	4	28N	3W	PONDERA
50	5	28N	3W	PONDERA
51	6	28N	3W	PONDERA
52	7	28N	3W	PONDERA
53	8	28N	3W	PONDERA
54	9	28N	3W	PONDERA
55	10	28N	3W	PONDERA

56	11	28N	3W	PONDERA
57	12	28N	3W	PONDERA
58	13	28N	3W	PONDERA
59	14	28N	3W	PONDERA
60	15	28N	3W	PONDERA
61	16	28N	3W	PONDERA
62	20	28N	3W	PONDERA
63	21	28N	3W	PONDERA
64	22	28N	3W	PONDERA
65	23	28N	3W	PONDERA
66	24	28N	3W	PONDERA
67	25	28N	3W	PONDERA
68	26	28N	3W	PONDERA
69	27	28N	3W	PONDERA
70	28	28N	3W	PONDERA
71	7	29N	1W	PONDERA
72	18	29N	1W	PONDERA
73	12	29N	2W	PONDERA
74	13	29N	2W	PONDERA
75	23	29N	2W	PONDERA
76	24	29N	2W	PONDERA
77	26	29N	2W	PONDERA
78	27	29N	2W	PONDERA
79	28	29N	2W	PONDERA
80	32	29N	2W	PONDERA
81	33	29N	2W	PONDERA
82	34	29N	2W	PONDERA
83	35	29N	2W	PONDERA
84	36	29N	2W	PONDERA
85	30	29N	3W	PONDERA
86	31	29N	3W	PONDERA
87	32	29N	3W	PONDERA
88	33	29N	3W	PONDERA
89	24	29N	4W	PONDERA
90	25	29N	4W	PONDERA
91	26	29N	4W	PONDERA
92	36	29N	4W	PONDERA

ANY USE THAT OCCURS WITHIN THE FOLLOWING SECTIONS IS LIMITED TO LAND LYING SOUTH OF THE DRY FORK OF THE MARIAS RIVER.

TWP	RGE	SECTIONS
28N	2W	1, 2, 3, 4, 5
28N	3W	5, 6
29N	1W	7
29N	2W	12, 13, 23, 24, 26, 27, 28, 32, 33
29N	3W	30, 31, 32, 33
29N	4W	24, 25, 26, 36

THE HISTORICAL SERVICE AREA DESCRIPTION INCLUDES ALL WATER DISTRIBUTION SYSTEMS AND INFRASTRUCTURE RELATED TO THE DELIVERY OF WATER TO SHAREHOLDERS OF THE PONDERA COUNTY CANAL AND RESERVOIR COMPANY WITHIN THE AREA DESCRIBED.

A TOTAL OF 16,311.00 ACRES MAY BE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON WITHIN THE HISTORIC SERVICE AREA.

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

113459-00	120071-00	120072-00	161998-00	161999-00	162000-00
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162036-00	162037-00	162038-00	162039-00	162052-00	162053-00
162054-00	162055-00	162057-00	162058-00	185666-00	

PARENT FILE FOR THIS RIGHT IS 41P 162051-00.

THE COMPLETE SET OF DOCUMENTATION, MAPS, AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 41P 162052-00, AND WATER COURT CASE NO. 41M-0232-P-2017.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MARIAS RIVER
BASIN 41P**

Water Right Number: 41P 162053-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: PONDERA COUNTY CANAL & RESERVOIR CO
PO BOX 245
VALIER, MT 59486

Priority Date: MARCH 1, 1889

Type of Historical Right: FILED

Purpose (use): SALE

THE PURPOSE OF THIS WATER RIGHT INCLUDES SALE AND DISTRIBUTION TO SHAREHOLDERS OF THE PONDERA COUNTY CANAL AND RESERVOIR COMPANY FOR IRRIGATION, STOCK, DOMESTIC, AND MUNICIPAL USES.

Flow Rate: 22.50 CFS

THE COMBINED DIVERSION RATE FROM ALL SOURCES OF SUPPLY FOR THE P CANAL SHALL NOT EXCEED THE 150 CFS CAPACITY OF THE P CANAL.

THE FOLLOWING RIGHTS USE THE P CANAL.

41M 161998-00, 41M 161999-00, 41M 162000-00, 41M 162001-00,
41M 162005-00, 41M 162007-00, 41M 162008-00, 41M 162009-00,
41M 162010-00, 41M 162012-00, 41M 162031-00, 41M 162032-00,
41M 162033-00, 41M 162034-00, 41M 162035-00, 41M 162036-00,
41M 162037-00, 41M 162038-00, 41M 162039-00, 41P 162052-00,
41P 162053-00, 41P 162054-00, 41P 162055-00, 41P 162057-00,
41P 162058-00

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Maximum Acres: 16,311.00

Source Name: DRY FORK MARIAS RIVER

Source Type: SURFACE WATER

THE FOLLOWING WATER COURSES ARE USED AS NATURAL CARRIERS FOR WATER RELEASED AND DELIVERED UNDER THIS WATER RIGHT BY THE PONDERA COUNTY CANAL & RESERVOIR COMPANY. SEE MAP FOR MORE INFORMATION. ALL WATER COURSES ARE IN PONDERA COUNTY.

ID COURSE BEGINNING POINT - END POINT (LOT/QQ STR)

- 1 FAVOT COULEE
SESE 5 28N 1W - SWSE 15 28N 1W
- 2 VERMULM COULEE
NWNE 19 28N 1W - SENE 18 28N 1W
- 3 PONDERA COULEE
NENE 28 28N 3W - SESE 25 28N 1W
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- 6 SCHOOL SECTION COULEE
SWSE 25 28N 3W - NWNW 16 28N 2W
- 7 OLIVER COULEE
NWSE 20 28N 2W - SWSE 17 28N 2W
- 8 FLAT (NASON) COULEE
LOT 3 1 28N 2W - SESE 36 29N 2W
- 9 UT OF SCHOOL SECTION COULEE
LOT 3 9 28N 2W - SENE 19 28N 2W
- 10 SPRING CREEK
LOT 6 6 28N 3W - SWSW 5 28N 3W
- 11 DRY FORK MARIAS RIVER
NENW 26 29N 4W - SWSW 13 29N 2W

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	26	29N	4W	PONDERA

Period of Diversion: APRIL 1 TO OCTOBER 14

Diversion Means: HEADGATE

Ditch Name: P CANAL

Period of Use: APRIL 1 TO OCTOBER 14

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				3	28N	1W	PONDERA
2				4	28N	1W	PONDERA
3				5	28N	1W	PONDERA
4				6	28N	1W	PONDERA
5				7	28N	1W	PONDERA
6				8	28N	1W	PONDERA
7				9	28N	1W	PONDERA
8				10	28N	1W	PONDERA

9	15	28N	1W	PONDERA
10	16	28N	1W	PONDERA
11	17	28N	1W	PONDERA
12	18	28N	1W	PONDERA
13	19	28N	1W	PONDERA
14	20	28N	1W	PONDERA
15	21	28N	1W	PONDERA
16	22	28N	1W	PONDERA
17	23	28N	1W	PONDERA
18	24	28N	1W	PONDERA
19	25	28N	1W	PONDERA
20	1	28N	2W	PONDERA
21	2	28N	2W	PONDERA
22	3	28N	2W	PONDERA
23	4	28N	2W	PONDERA
24	5	28N	2W	PONDERA
25	6	28N	2W	PONDERA
26	7	28N	2W	PONDERA
27	8	28N	2W	PONDERA
28	9	28N	2W	PONDERA
29	10	28N	2W	PONDERA
30	11	28N	2W	PONDERA
31	12	28N	2W	PONDERA
32	13	28N	2W	PONDERA
33	14	28N	2W	PONDERA
34	15	28N	2W	PONDERA
35	16	28N	2W	PONDERA
36	17	28N	2W	PONDERA
37	18	28N	2W	PONDERA
38	19	28N	2W	PONDERA
39	20	28N	2W	PONDERA
40	21	28N	2W	PONDERA
41	22	28N	2W	PONDERA
42	23	28N	2W	PONDERA
43	24	28N	2W	PONDERA
44	29	28N	2W	PONDERA
45	30	28N	2W	PONDERA
46	1	28N	3W	PONDERA
47	2	28N	3W	PONDERA
48	3	28N	3W	PONDERA
49	4	28N	3W	PONDERA
50	5	28N	3W	PONDERA
51	6	28N	3W	PONDERA
52	7	28N	3W	PONDERA
53	8	28N	3W	PONDERA
54	9	28N	3W	PONDERA
55	10	28N	3W	PONDERA

56	11	28N	3W	PONDERA
57	12	28N	3W	PONDERA
58	13	28N	3W	PONDERA
59	14	28N	3W	PONDERA
60	15	28N	3W	PONDERA
61	16	28N	3W	PONDERA
62	20	28N	3W	PONDERA
63	21	28N	3W	PONDERA
64	22	28N	3W	PONDERA
65	23	28N	3W	PONDERA
66	24	28N	3W	PONDERA
67	25	28N	3W	PONDERA
68	26	28N	3W	PONDERA
69	27	28N	3W	PONDERA
70	28	28N	3W	PONDERA
71	7	29N	1W	PONDERA
72	18	29N	1W	PONDERA
73	12	29N	2W	PONDERA
74	13	29N	2W	PONDERA
75	23	29N	2W	PONDERA
76	24	29N	2W	PONDERA
77	26	29N	2W	PONDERA
78	27	29N	2W	PONDERA
79	28	29N	2W	PONDERA
80	32	29N	2W	PONDERA
81	33	29N	2W	PONDERA
82	34	29N	2W	PONDERA
83	35	29N	2W	PONDERA
84	36	29N	2W	PONDERA
85	30	29N	3W	PONDERA
86	31	29N	3W	PONDERA
87	32	29N	3W	PONDERA
88	33	29N	3W	PONDERA
89	24	29N	4W	PONDERA
90	25	29N	4W	PONDERA
91	26	29N	4W	PONDERA
92	36	29N	4W	PONDERA

ANY USE THAT OCCURS WITHIN THE FOLLOWING SECTIONS IS LIMITED TO LAND LYING SOUTH OF THE DRY FORK OF THE MARIAS RIVER.

TWP	RGE	SECTIONS
28N	2W	1, 2, 3, 4, 5
28N	3W	5, 6
29N	1W	7
29N	2W	12, 13, 23, 24, 26, 27, 28, 32, 33
29N	3W	30, 31, 32, 33
29N	4W	24, 25, 26, 36

THE HISTORICAL SERVICE AREA DESCRIPTION INCLUDES ALL WATER DISTRIBUTION SYSTEMS AND INFRASTRUCTURE RELATED TO THE DELIVERY OF WATER TO SHAREHOLDERS OF THE PONDERA COUNTY CANAL AND RESERVOIR COMPANY WITHIN THE AREA DESCRIBED.

A TOTAL OF 16,311.00 ACRES MAY BE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON WITHIN THE HISTORIC SERVICE AREA.

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

113459-00	120071-00	120072-00	161998-00	161999-00	162000-00
162001-00	162005-00	162007-00	162008-00	162009-00	162010-00
162012-00	162031-00	162032-00	162033-00	162034-00	162035-00
162036-00	162037-00	162038-00	162039-00	162052-00	162053-00
162054-00	162055-00	162057-00	162058-00	185666-00	

PARENT FILE FOR THIS RIGHT IS 41P 162051-00.

THE COMPLETE SET OF DOCUMENTATION, MAPS, AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 41P 162052-00, AND WATER COURT CASE NO. 41M-0232-P-2017.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MARIAS RIVER
BASIN 41P**

Water Right Number: 41P 162054-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: PONDERA COUNTY CANAL & RESERVOIR CO
PO BOX 245
VALIER, MT 59486

Priority Date: NOVEMBER 23, 1901

Type of Historical Right: FILED

Purpose (use): SALE

THE PURPOSE OF THIS WATER RIGHT INCLUDES SALE AND DISTRIBUTION TO SHAREHOLDERS OF THE PONDERA COUNTY CANAL AND RESERVOIR COMPANY FOR IRRIGATION, STOCK, DOMESTIC, AND MUNICIPAL USES.

Flow Rate: 5.00 CFS

THE COMBINED DIVERSION RATE FROM ALL SOURCES OF SUPPLY FOR THE P CANAL SHALL NOT EXCEED THE 150 CFS CAPACITY OF THE P CANAL.

THE FOLLOWING RIGHTS USE THE P CANAL.

41M 161998-00, 41M 161999-00, 41M 162000-00, 41M 162001-00,
41M 162005-00, 41M 162007-00, 41M 162008-00, 41M 162009-00,
41M 162010-00, 41M 162012-00, 41M 162031-00, 41M 162032-00,
41M 162033-00, 41M 162034-00, 41M 162035-00, 41M 162036-00,
41M 162037-00, 41M 162038-00, 41M 162039-00, 41P 162052-00,
41P 162053-00, 41P 162054-00, 41P 162055-00, 41P 162057-00,
41P 162058-00

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Maximum Acres: 16,311.00

Source Name: DRY FORK MARIAS RIVER

Source Type: SURFACE WATER

THE FOLLOWING WATER COURSES ARE USED AS NATURAL CARRIERS FOR WATER RELEASED AND DELIVERED UNDER THIS WATER RIGHT BY THE PONDERA COUNTY CANAL & RESERVOIR COMPANY. SEE MAP FOR MORE INFORMATION. ALL WATER COURSES ARE IN PONDERA COUNTY.

ID COURSE BEGINNING POINT - END POINT (LOT/QQ STR)

- 1 FAVOT COULEE
SESE 5 28N 1W - SWSE 15 28N 1W
- 2 VERMULM COULEE
NWNE 19 28N 1W - SENE 18 28N 1W
- 3 PONDERA COULEE
NENE 28 28N 3W - SESE 25 28N 1W
- 4 UT OF DRY FORK MARIAS RIVER
SENE 5 28N 2W - LOT 2 5 28N 2W
- 5 UT OF DRY FORK MARIAS RIVER
LOT 1 5 28N 2W - LOT 2 5 28N 2W
- 6 SCHOOL SECTION COULEE
SWSE 25 28N 3W - NWNW 16 28N 2W
- 7 OLIVER COULEE
NWSE 20 28N 2W - SWSE 17 28N 2W
- 8 FLAT (NASON) COULEE
LOT 3 1 28N 2W - SESE 36 29N 2W
- 9 UT OF SCHOOL SECTION COULEE
LOT 3 9 28N 2W - SENE 19 28N 2W
- 10 SPRING CREEK
LOT 6 6 28N 3W - SWSW 5 28N 3W
- 11 DRY FORK MARIAS RIVER
NENW 26 29N 4W - SWSW 13 29N 2W

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	26	29N	4W	PONDERA

Period of Diversion: APRIL 1 TO OCTOBER 14

Diversion Means: HEADGATE

Ditch Name: P CANAL

Period of Use: APRIL 1 TO OCTOBER 14

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				3	28N	1W	PONDERA
2				4	28N	1W	PONDERA
3				5	28N	1W	PONDERA
4				6	28N	1W	PONDERA
5				7	28N	1W	PONDERA
6				8	28N	1W	PONDERA
7				9	28N	1W	PONDERA
8				10	28N	1W	PONDERA

9	15	28N	1W	PONDERA
10	16	28N	1W	PONDERA
11	17	28N	1W	PONDERA
12	18	28N	1W	PONDERA
13	19	28N	1W	PONDERA
14	20	28N	1W	PONDERA
15	21	28N	1W	PONDERA
16	22	28N	1W	PONDERA
17	23	28N	1W	PONDERA
18	24	28N	1W	PONDERA
19	25	28N	1W	PONDERA
20	1	28N	2W	PONDERA
21	2	28N	2W	PONDERA
22	3	28N	2W	PONDERA
23	4	28N	2W	PONDERA
24	5	28N	2W	PONDERA
25	6	28N	2W	PONDERA
26	7	28N	2W	PONDERA
27	8	28N	2W	PONDERA
28	9	28N	2W	PONDERA
29	10	28N	2W	PONDERA
30	11	28N	2W	PONDERA
31	12	28N	2W	PONDERA
32	13	28N	2W	PONDERA
33	14	28N	2W	PONDERA
34	15	28N	2W	PONDERA
35	16	28N	2W	PONDERA
36	17	28N	2W	PONDERA
37	18	28N	2W	PONDERA
38	19	28N	2W	PONDERA
39	20	28N	2W	PONDERA
40	21	28N	2W	PONDERA
41	22	28N	2W	PONDERA
42	23	28N	2W	PONDERA
43	24	28N	2W	PONDERA
44	29	28N	2W	PONDERA
45	30	28N	2W	PONDERA
46	1	28N	3W	PONDERA
47	2	28N	3W	PONDERA
48	3	28N	3W	PONDERA
49	4	28N	3W	PONDERA
50	5	28N	3W	PONDERA
51	6	28N	3W	PONDERA
52	7	28N	3W	PONDERA
53	8	28N	3W	PONDERA
54	9	28N	3W	PONDERA
55	10	28N	3W	PONDERA

56	11	28N	3W	PONDERA
57	12	28N	3W	PONDERA
58	13	28N	3W	PONDERA
59	14	28N	3W	PONDERA
60	15	28N	3W	PONDERA
61	16	28N	3W	PONDERA
62	20	28N	3W	PONDERA
63	21	28N	3W	PONDERA
64	22	28N	3W	PONDERA
65	23	28N	3W	PONDERA
66	24	28N	3W	PONDERA
67	25	28N	3W	PONDERA
68	26	28N	3W	PONDERA
69	27	28N	3W	PONDERA
70	28	28N	3W	PONDERA
71	7	29N	1W	PONDERA
72	18	29N	1W	PONDERA
73	12	29N	2W	PONDERA
74	13	29N	2W	PONDERA
75	23	29N	2W	PONDERA
76	24	29N	2W	PONDERA
77	26	29N	2W	PONDERA
78	27	29N	2W	PONDERA
79	28	29N	2W	PONDERA
80	32	29N	2W	PONDERA
81	33	29N	2W	PONDERA
82	34	29N	2W	PONDERA
83	35	29N	2W	PONDERA
84	36	29N	2W	PONDERA
85	30	29N	3W	PONDERA
86	31	29N	3W	PONDERA
87	32	29N	3W	PONDERA
88	33	29N	3W	PONDERA
89	24	29N	4W	PONDERA
90	25	29N	4W	PONDERA
91	26	29N	4W	PONDERA
92	36	29N	4W	PONDERA

ANY USE THAT OCCURS WITHIN THE FOLLOWING SECTIONS IS LIMITED TO LAND LYING SOUTH OF THE DRY FORK OF THE MARIAS RIVER.

TWP	RGE	SECTIONS
28N	2W	1, 2, 3, 4, 5
28N	3W	5, 6
29N	1W	7
29N	2W	12, 13, 23, 24, 26, 27, 28, 32, 33
29N	3W	30, 31, 32, 33
29N	4W	24, 25, 26, 36

THE HISTORICAL SERVICE AREA DESCRIPTION INCLUDES ALL WATER DISTRIBUTION SYSTEMS AND INFRASTRUCTURE RELATED TO THE DELIVERY OF WATER TO SHAREHOLDERS OF THE PONDERA COUNTY CANAL AND RESERVOIR COMPANY WITHIN THE AREA DESCRIBED.

A TOTAL OF 16,311.00 ACRES MAY BE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON WITHIN THE HISTORIC SERVICE AREA.

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

113459-00	120071-00	120072-00	161998-00	161999-00	162000-00
162001-00	162005-00	162007-00	162008-00	162009-00	162010-00
162012-00	162031-00	162032-00	162033-00	162034-00	162035-00
162036-00	162037-00	162038-00	162039-00	162052-00	162053-00
162054-00	162055-00	162057-00	162058-00	185666-00	

PARENT FILE FOR THIS RIGHT IS 41P 162051-00.

THE COMPLETE SET OF DOCUMENTATION, MAPS, AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 41P 162052-00, AND WATER COURT CASE NO. 41M-0232-P-2017.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MARIAS RIVER
BASIN 41P

Water Right Number: 41P 162055-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: PONDERA COUNTY CANAL & RESERVOIR CO
PO BOX 245
VALIER, MT 59486

Priority Date: FEBRUARY 1, 1904

Type of Historical Right: FILED

Purpose (use): SALE

THE PURPOSE OF THIS WATER RIGHT INCLUDES SALE AND DISTRIBUTION TO SHAREHOLDERS OF THE PONDERA COUNTY CANAL AND RESERVOIR COMPANY FOR IRRIGATION, STOCK, DOMESTIC, AND MUNICIPAL USES.

Flow Rate: 97.50 CFS

THE COMBINED DIVERSION RATE FROM ALL SOURCES OF SUPPLY FOR THE P CANAL SHALL NOT EXCEED THE 150 CFS CAPACITY OF THE P CANAL.

THE FOLLOWING RIGHTS USE THE P CANAL.

41M 161998-00, 41M 161999-00, 41M 162000-00, 41M 162001-00,
41M 162005-00, 41M 162007-00, 41M 162008-00, 41M 162009-00,
41M 162010-00, 41M 162012-00, 41M 162031 00, 41M 162032 00,
41M 162033-00, 41M 162034-00, 41M 162035-00, 41M 162036-00,
41M 162037-00, 41M 162038-00, 41M 162039-00, 41P 162052-00,
41P 162053-00, 41P 162054-00, 41P 162055-00, 41P 162057-00,
41P 162058-00

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Maximum Acres: 16,311.00

Source Name: DRY FORK MARIAS RIVER

Source Type: SURFACE WATER

THE FOLLOWING WATER COURSES ARE USED AS NATURAL CARRIERS FOR WATER RELEASED AND DELIVERED UNDER THIS WATER RIGHT BY THE PONDERA COUNTY CANAL & RESERVOIR COMPANY. SEE MAP FOR MORE INFORMATION. ALL WATER COURSES ARE IN PONDERA COUNTY.

ID COURSE BEGINNING POINT - END POINT (LOT/QQ STR)

- 1 FAVOT COULEE
SESE 5 28N 1W - SWSE 15 28N 1W
- 2 VERMULM COULEE
NWNE 19 28N 1W - SENE 18 28N 1W
- 3 PONDERA COULEE
NENE 28 28N 3W - SESE 25 28N 1W
- 4 UT OF DRY FORK MARIAS RIVER
SENE 5 28N 2W - LOT 2 5 28N 2W
- 5 UT OF DRY FORK MARIAS RIVER
LOT 1 5 28N 2W - LOT 2 5 28N 2W
- 6 SCHOOL SECTION COULEE
SWSE 25 28N 3W - NWNW 16 28N 2W
- 7 OLIVER COULEE
NWSE 20 28N 2W - SWSE 17 28N 2W
- 8 FLAT (NASON) COULEE
LOT 3 1 28N 2W - SESE 36 29N 2W
- 9 UT OF SCHOOL SECTION COULEE
LOT 3 9 28N 2W - SENE 19 28N 2W
- 10 SPRING CREEK
LOT 6 6 28N 3W - SWSW 5 28N 3W
- 11 DRY FORK MARIAS RIVER
NENW 26 29N 4W - SWSW 13 29N 2W

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	26	29N	4W	PONDERA

Period of Diversion: APRIL 1 TO OCTOBER 14

Diversion Means: HEADGATE

Ditch Name: P CANAL

Period of Use: APRIL 1 TO OCTOBER 14

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				3	28N	1W	PONDERA
2				4	28N	1W	PONDERA
3				5	28N	1W	PONDERA
4				6	28N	1W	PONDERA
5				7	28N	1W	PONDERA
6				8	28N	1W	PONDERA
7				9	28N	1W	PONDERA
8				10	28N	1W	PONDERA

9	15	28N	1W	PONDERA
10	16	28N	1W	PONDERA
11	17	28N	1W	PONDERA
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13	19	28N	1W	PONDERA
14	20	28N	1W	PONDERA
15	21	28N	1W	PONDERA
16	22	28N	1W	PONDERA
17	23	28N	1W	PONDERA
18	24	28N	1W	PONDERA
19	25	28N	1W	PONDERA
20	1	28N	2W	PONDERA
21	2	28N	2W	PONDERA
22	3	28N	2W	PONDERA
23	4	28N	2W	PONDERA
24	5	28N	2W	PONDERA
25	6	28N	2W	PONDERA
26	7	28N	2W	PONDERA
27	8	28N	2W	PONDERA
28	9	28N	2W	PONDERA
29	10	28N	2W	PONDERA
30	11	28N	2W	PONDERA
31	12	28N	2W	PONDERA
32	13	28N	2W	PONDERA
33	14	28N	2W	PONDERA
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44	29	28N	2W	PONDERA
45	30	28N	2W	PONDERA
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57	12	28N	3W	PONDERA
58	13	28N	3W	PONDERA
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61	16	28N	3W	PONDERA
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67	25	28N	3W	PONDERA
68	26	28N	3W	PONDERA
69	27	28N	3W	PONDERA
70	28	28N	3W	PONDERA
71	7	29N	1W	PONDERA
72	18	29N	1W	PONDERA
73	12	29N	2W	PONDERA
74	13	29N	2W	PONDERA
75	23	29N	2W	PONDERA
76	24	29N	2W	PONDERA
77	26	29N	2W	PONDERA
78	27	29N	2W	PONDERA
79	28	29N	2W	PONDERA
80	32	29N	2W	PONDERA
81	33	29N	2W	PONDERA
82	34	29N	2W	PONDERA
83	35	29N	2W	PONDERA
84	36	29N	2W	PONDERA
85	30	29N	3W	PONDERA
86	31	29N	3W	PONDERA
87	32	29N	3W	PONDERA
88	33	29N	3W	PONDERA
89	24	29N	4W	PONDERA
90	25	29N	4W	PONDERA
91	26	29N	4W	PONDERA
92	36	29N	4W	PONDERA

ANY USE THAT OCCURS WITHIN THE FOLLOWING SECTIONS IS LIMITED TO LAND LYING SOUTH OF THE DRY FORK OF THE MARIAS RIVER.

TWP	RGE	SECTIONS
28N	2W	1, 2, 3, 4, 5
28N	3W	5, 6
29N	1W	7
29N	2W	12, 13, 23, 24, 26, 27, 28, 32, 33
29N	3W	30, 31, 32, 33
29N	4W	24, 25, 26, 36

THE HISTORICAL SERVICE AREA DESCRIPTION INCLUDES ALL WATER DISTRIBUTION SYSTEMS AND INFRASTRUCTURE RELATED TO THE DELIVERY OF WATER TO SHAREHOLDERS OF THE PONDERA COUNTY CANAL AND RESERVOIR COMPANY WITHIN THE AREA DESCRIBED.

A TOTAL OF 16,311.00 ACRES MAY BE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON WITHIN THE HISTORIC SERVICE AREA.

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

113459-00	120071-00	120072-00	161998-00	161999-00	162000-00
162001-00	162005-00	162007-00	162008-00	162009-00	162010-00
162012-00	162031-00	162032-00	162033-00	162034-00	162035-00
162036-00	162037-00	162038-00	162039-00	162052-00	162053-00
162054-00	162055-00	162057-00	162058-00	185666-00	

PARENT FILE FOR THIS RIGHT IS 41P 162051-00.

THE COMPLETE SET OF DOCUMENTATION, MAPS, AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 41P 162052-00, AND WATER COURT CASE NO. 41M-0232-P-2017.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MARIAS RIVER
BASIN 41P

Water Right Number: 41P 162059-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: DISMISSED

Owners: PONDERA COUNTY CANAL & RESERVOIR CO
PO BOX 245
VALIER, MT 59486

Priority Date:
Type of Historical Right:
Purpose (use): IRRIGATION
Flow Rate:
Volume:
Source Name: MARIAS RIVER, DRY FORK
Source Type: SURFACE WATER
Point of Diversion and Means of Diversion:
Period of Use:
Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MARIAS RIVER
BASIN 41P

Water Right Number: 41P 162060-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: DISMISSED

Owners: PONDERA COUNTY CANAL & RESERVOIR CO
PO BOX 245
VALIER, MT 59486

Priority Date:
Type of Historical Right:
Purpose (use): IRRIGATION
Flow Rate:
Volume:
Source Name: MARIAS RIVER, DRY FORK
Source Type: SURFACE WATER
Point of Diversion and Means of Diversion:
Period of Use:
Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MARIAS RIVER
BASIN 41P

Water Right Number: 41P 162067-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: DISMISSED

Owners: PONDERA COUNTY CANAL & RESERVOIR CO
PO BOX 245
VALIER, MT 59486

Priority Date:
Type of Historical Right:
Purpose (use): IRRIGATION
Flow Rate:
Volume:
Source Name: MARIAS RIVER, DRY FORK
Source Type: SURFACE WATER
Point of Diversion and Means of Diversion:
Period of Use:
Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MARIAS RIVER
BASIN 41P**

Water Right Number: **41P 162068-00** STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: **DISMISSED**

Owners: PONDERA COUNTY CANAL & RESERVOIR CO
 PO BOX 245
 VALIER, MT 59486

Priority Date:

Type of Historical Right:

Purpose (use): IRRIGATION

Flow Rate:

Volume:

Source Name: MARIAS RIVER, DRY FORK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MARIAS RIVER
BASIN 41P

Water Right Number: 41P 162102-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: DISMISSED

Owners: PONDERA COUNTY CANAL & RESERVOIR CO
PO BOX 245
VALIER, MT 59486

Priority Date:
Type of Historical Right:
Purpose (use): STOCK
Flow Rate:
Volume:
Source Name: MARIAS RIVER, DRY FORK
Source Type: SURFACE WATER
Point of Diversion and Means of Diversion:
Period of Use:
Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MARIAS RIVER
BASIN 41P

Water Right Number: 41P 162103-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: DISMISSED

Owners: PONDERA COUNTY CANAL & RESERVOIR CO
PO BOX 245
VALIER, MT 59486

Priority Date:
Type of Historical Right:
Purpose (use): STOCK
Flow Rate:
Volume:
Source Name: MARIAS RIVER, DRY FORK
Source Type: SURFACE WATER
Point of Diversion and Means of Diversion:
Period of Use:
Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MARIAS RIVER
BASIN 41P**

Water Right Number: 41P 162104-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: DISMISSED

Owners: PONDERA COUNTY CANAL & RESERVOIR CO
PO BOX 245
VALIER, MT 59486

Priority Date:
Type of Historical Right:
Purpose (use): STOCK
Flow Rate:
Volume:
Source Name: MARIAS RIVER, DRY FORK
Source Type: SURFACE WATER
Point of Diversion and Means of Diversion:
Period of Use:
Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MARIAS RIVER
BASIN 41P

Water Right Number: 41P 162105-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: DISMISSED

Owners: PONDERA COUNTY CANAL & RESERVOIR CO
PO BOX 245
VALIER, MT 59486

Priority Date:
Type of Historical Right:
Purpose (use): STOCK
Flow Rate:
Volume:
Source Name: MARIAS RIVER, DRY FORK
Source Type: SURFACE WATER
Point of Diversion and Means of Diversion:
Period of Use:
Place of Use:

Remarks:

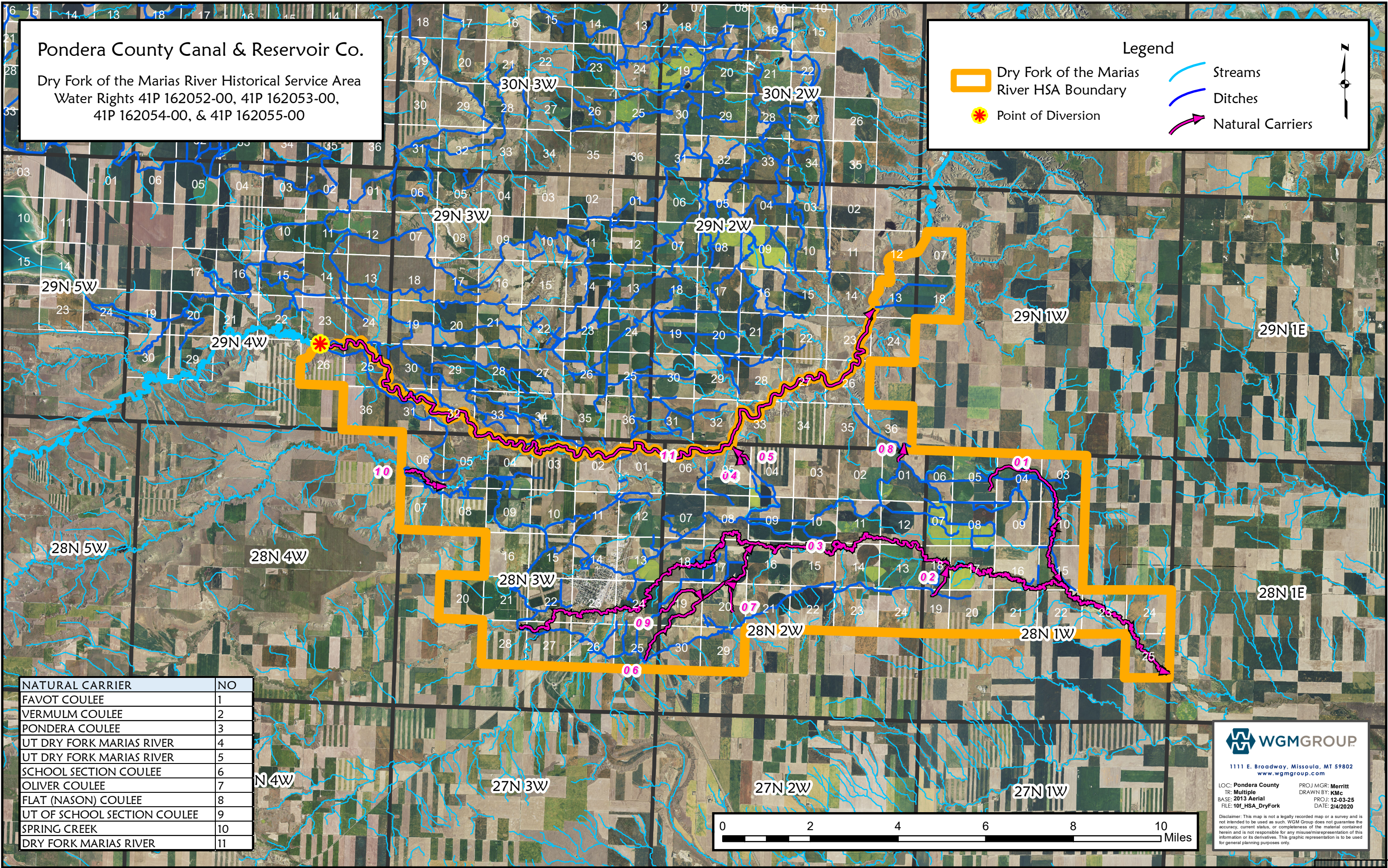
THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

Pondera County Canal & Reservoir Co.
 Dry Fork of the Marias River Historical Service Area
 Water Rights 41P 162052-00, 41P 162053-00,
 41P 162054-00, & 41P 162055-00

Dry Fork of the Marias River HSA Boundary
 Point of Diversion

Legend

 Streams
 Ditches
 Natural Carriers



NATURAL CARRIER	NO
FAVOT COULEE	1
VERMULM COULEE	2
PONDERA COULEE	3
UT DRY FORK MARIAS RIVER	4
UT DRY FORK MARIAS RIVER	5
SCHOOL SECTION COULEE	6
OLIVER COULEE	7
FLAT (NASON) COULEE	8
UT OF SCHOOL SECTION COULEE	9
SPRING CREEK	10
DRY FORK MARIAS RIVER	11

1111 E. Broadway, Missoula, MT 59802
www.wgmgroup.com

LOC: Pondera County
 TR: Multiple
 BASE: 2013 Aerial
 FILE: 10f_HSA_DryFork

PROJ MGR: Merritt
 DRAWN BY: KMc
 PROJ: 12-03-25
 DATE: 2/4/2020

Disclaimer: This map is not a legally recorded map or a survey and is not intended to be used as such. WGM Group does not guarantee the accuracy, current status, or completeness of the material contained herein and is not responsible for any misuse/misrepresentation of this information or its derivatives. This graphic representation is to be used for general planning purposes only.